

Application No. 10/029,046

REMARKS

In the Office Action, the Examiner contends that inventions II and I are related as process of making and product made. Citing MPEP §806.05(f), the Examiner maintains that the inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process. In the instant case, it is alleged that the "process as claimed can be used to make a different article such as one having a metal substrate".

Independent method claim 21 presently recites a method for making a seal device from a preformed polymer laminated metallic construction, the method comprising the steps of: placing a polymer material layer onto a metallic substrate and chemically bonding the polymer material layer thereto to form a polymer laminated metallic construction; shape forming the polymer laminated metallic construction into a desired shape; and trimming the shaped formed construction into a desired seal device configuration; wherein the sealing device comprises: a casing member that is formed from the metallic substrate; and a sealing element that is formed from the polymer material, and that includes a contact surface that projects outwardly and away from the casing member for sealing placement against an adjacent dynamic sealing surface when placed into service.

Thus, claim 21 must produce an a seal device comprising a metal substrate, as the Examiner has pointed out.

However, Applicants submit that independent apparatus claims 1 and 10 are both directed to a seal device that may include a metal substrate, and therefore are related to the process claims. In other words, a metal substrate is within the scope of claims 1 and 10 and are not excluded by claims 1 and 10. In particular, independent claims 1 and 10 recite as follows:

1. A seal device prepared by the process of shape forming a composite construction into a desired seal device shape, the composite construction comprising a polymer material disposed onto a rigid nonpolymeric substrate prior to the step of shape forming, the seal device

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comprising a seal body having a casing member formed from the rigid substrate, and a compliant sealing element formed from the polymer material.

10. A seal device prepared by the process of:
depositing a polymer material onto a rigid nonpolymeric substrate to form a composite construction; and
shape forming the composite construction into a desired shape;
wherein the sealing device comprises a seal body having:
a casing member that is formed from the rigid substrate; and
a sealing element formed from the polymer material and disposed along a surface of the casing member for placement against a dynamic sealing surface.

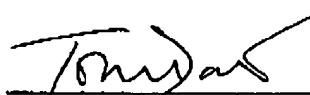
Thus, since independent claims 1 and 10, and claims that depend therefrom, recite a "rigid nonpolymeric substrate", which includes a metal substrate, the apparatus claims and the process claims are related. Also, since the process claims and the apparatus claims are related, the restriction requirement imposed by MPEP §806.05(f) is not met.

Accordingly, Applicants respectfully submit that the restriction requirement be withdrawn and the claims be examined together.

Should the Examiner finds a telephone conference with Applicants' attorney beneficial in advancing prosecution, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,
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